

ASSEMBLY BILL

No. 2153

Introduced by Assembly Member Gray

February 20, 2014

An act to amend Sections 78230 and 89708 of the Education Code, relating to the postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2153, as introduced, Gray. Postsecondary education: course offerings.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

Existing law authorizes community college districts to establish and maintain extension programs meeting specified characteristics at specified community college campuses during summer and winter intersessions. Existing law requires that an extension credit course not supplant a course funded with state apportionments, and not be offered at times or in locations that supplant or limit the offering of programs that receive state funding or in conjunction with courses that receive state apportionment funding.

This bill would add a provision that defines “supplant.”

Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Existing law requires that self-supporting sessions at the university, known as

special sessions, not supplant regular course offerings available on a non-self-supporting basis during the regular academic year.

This bill would require that these special session program course offerings not supplant or limit the number of regular course offerings that receive state funding at a campus of the university, and would require the trustees to annually certify compliance with these conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 78230 of the Education Code is amended
2 to read:
3 78230. (a) For the purposes of this section, the following terms
4 have the following meanings:
5 (1) “Eligible community college campus” means one of the
6 following campuses:
7 (A) College of the Canyons.
8 (B) Crafton Hills College.
9 (C) Long Beach City College.
10 (D) Oxnard College.
11 (E) Pasadena City College.
12 (F) Solano Community College.
13 (2) “Eligible community college district” means a community
14 college district with an eligible community college campus.
15 (b) (1) The Office of the Chancellor of the California
16 Community Colleges shall establish a voluntary pilot program
17 through which an eligible community college campus may establish
18 and maintain extension programs offering credit courses during
19 summer and winter intersessions. The governing board of an
20 eligible community college district may request to participate in
21 the pilot program.
22 (2) It is the intent of the Legislature that at least one participating
23 campus should begin implementation of the pilot program by
24 January 2014, and that an additional five campuses should
25 implement the pilot program by July 1, 2014.
26 (c) An extension program established pursuant to this section
27 shall have all of following characteristics:
28 (1) The program shall be self-supporting and all costs associated
29 with the program shall be recovered.

1 (2) Enrollment in the pilot program shall not be reported for
2 state apportionment funding, but program enrollment shall be open
3 to the public pursuant to Section 51006 of Title 5 of the California
4 Code of Regulations.

5 (3) The program shall be developed in conformance with this
6 code and Division 6 (commencing with Section 50001) of Title 5
7 of the California Code of Regulations related to community college
8 credit courses.

9 (4) The program shall be subject to community college district
10 collective bargaining agreements.

11 (5) The program shall apply to all courses leading to certificates,
12 degrees, or transfer preparation.

13 (d) (1) To participate in the pilot program, an eligible
14 community college district shall satisfy all of the following criteria:

15 (A) The district shall have served a number of students equal
16 to, or beyond, its funding limit for the two immediately prior
17 academic years, as provided in the annual Budget Act and as
18 reported by the Office of the Chancellor of the California
19 Community Colleges.

20 (B) The district shall not have received a stability adjustment
21 to state apportionment funding pursuant to Section 58776 of Title
22 5 of the California Code of Regulations in the prior two years.

23 (C) All courses offered for credit that receive state
24 apportionment funding shall meet basic skills, transfer, or
25 workforce development objectives.

26 (D) The district shall prioritize enrollment of students in courses
27 offered that receive state apportionment funding in conformance
28 with the legal authority of the governing board of the community
29 college district, Section 66025.8 of this code, and Section 58108
30 of Title 5 of the California Code of Regulations, by promoting
31 policies that prioritize enrollment in courses that receive state
32 apportionment funding of students who are fully matriculated, as
33 defined in Section 78212, and making satisfactory progress toward
34 a basic skills, transfer, or workforce development goal.

35 (E) The district shall prioritize enrollment in the extension
36 program courses as follows:

37 (i) First priority shall be given to current community college
38 students who are eligible for resident tuition.

39 (ii) Second priority shall be given to students who are eligible
40 for resident tuition.

(F) (i) The district shall limit the enrollment of students funded by the state in activity courses, as defined in Section 55041 of Title 5 of the California Code of Regulations. An applicant district shall not claim state apportionment funding for students who repeat either credit courses or noncredit physical education, or visual or performance arts courses that are part of the same sequence of courses, unless the student is doing so to meet degree or other local community college district requirements and is in compliance with Section 55041 of Title 5 of the California Code of Regulations.

(ii) This subparagraph does not apply to disabled students taking adaptive activity courses, students participating in intercollegiate athletics, or students with an approved educational plan majoring in physical education or the performing arts.

(2) The Office of the Chancellor of the California Community Colleges, to the extent feasible, shall determine whether an eligible community college district meets the criteria outlined in paragraph (1) prior to its participation in the pilot program.

(e) For a student who is not categorically exempt from nonresident tuition, the community college district shall charge all statutorily authorized fees applicable to nonresident students, including, but not limited to, fees authorized pursuant to Section 76141 or 76142, for his or her enrollment in courses offered pursuant to the pilot program.

(f) The governing board of an eligible community college district shall not expend General Fund moneys to establish and maintain the extension program.

(g) (1) An extension credit course shall not supplant any course funded with state apportionments and shall not be offered at times or in locations that supplant or limit the offering of programs that receive state funding or in conjunction with courses that receive state apportionment funding. An eligible community college district shall not reduce a state-funded course section needed by students to achieve basic skills, workforce training, or transfer goals, with the intent of reestablishing those course sections as part of the extension program. The governing board of an eligible community college district shall annually certify compliance with this subdivision by board action taken at a regular session of the board.

(2) *For purposes of this section, “supplant” means to increase the number of special session program course offerings and to*

1 *correspondingly decrease the number of regular course offerings*
2 *at a campus.*

3 (h) A degree credit course offered as an extension course shall
4 meet all of the requirements of subdivision (a) of Section 55002
5 of Title 5 of the California Code of Regulations, as it exists on
6 January 1, 2013.

7 (i) The governing board of an eligible community college
8 district may charge students enrolled in an extension course a fee
9 that covers the actual cost of the course and that is based upon the
10 district's nonresident fee rate for the year the course is offered.
11 For purposes of this subdivision, "actual cost" includes the actual
12 cost of instruction, necessary equipment and supplies, student
13 services and institutional support, and other costs of the community
14 college district used in calculating the costs of education for
15 nonresident students, including the administrative costs incurred
16 by the Office of the Chancellor of the California Community
17 Colleges in providing oversight of the pilot program.

18 (j) In order to assist in providing access to extension courses
19 for students eligible for the Board of Governors fee waiver,
20 one-third of the revenue collected pursuant to subdivision (i) shall
21 be used by the district to provide financial assistance to these
22 students. In addition to the one-third of the revenues collected, a
23 participating district shall supplement financial assistance with
24 funds from campus foundations or any other nonstate funds.

25 (1) Each participating community college district shall develop
26 a plan for collecting and dispersing financial assistance provided
27 pursuant to this subdivision.

28 (2) Participating districts shall include a description of the
29 financial assistance plan in their annual reports to the Office of
30 the Chancellor of the California Community Colleges in accordance
31 with subdivision (n). Participating districts shall report, at a
32 minimum, all of the following:

33 (A) The number and percentage of participating students who
34 are receiving financial assistance.

35 (B) The criteria used for determining eligibility for, and
36 prioritizing awards of, financial assistance for students.

37 (C) Methods for communicating financial assistance information
38 to students.

39 (D) Total amount of financial aid disbursed and the sources of
40 the aid.

1 (E) Information on the proportion of students whose extension
2 program fees are subsidized with financial assistance, the
3 percentage of total fees that is paid by financial assistance for
4 individual students, with this information aggregated in ways that
5 assist in evaluating the consequence and equity of the financial
6 assistance program, and the sources of the financial assistance.

7 (k) A community college district maintaining an extension
8 program under this section shall make every effort to encourage
9 broad participation in the program and support access for students
10 eligible for Board of Governors fee waivers, including, but not
11 limited to, providing students with information about financial aid
12 programs, the American Opportunity Tax Credit, military benefits,
13 scholarships, and other financial assistance that may be available
14 to students, as well as working with campus foundations to provide
15 financial assistance for students attending extension programs. In
16 addition, the district shall adopt enrollment priority and student
17 support policies ensuring that students who are eligible for state
18 financial aid are not disproportionately shifted from courses that
19 receive state apportionment funding to courses offered under the
20 pilot program.

21 (l) (1) Each eligible community college district participating
22 in the pilot program shall do both of the following:

23 (A) Collect and keep records that measure student participation,
24 student demographics, and student outcomes in a manner consistent
25 with records collected by community college districts in regular
26 credit programs supported through state apportionments, including
27 an analysis of program effects, if any, on district workload and
28 district financial status. A community college district shall submit
29 this information to the Office of the Chancellor of the California
30 Community Colleges by October 1 of each year.

31 (B) Submit a schedule of fees established pursuant to subdivision
32 (i) to the Chancellor of the California Community Colleges by
33 August 1 of each year.

34 (2) The chancellor shall submit all of the information provided
35 by community college districts pursuant to paragraph (1) to the
36 Legislative Analyst's Office by November 1 of each year.

37 (3) (A) No later than January 1, 2017, the Legislative Analyst's
38 Office shall, pursuant to Section 9795 of the Government Code,
39 provide to the Legislature a written report that evaluates the pilot
40 program established by this article.

1 (B) The report shall include all of the following:

2 (i) Summary statistics relating to course offerings, student
3 enrollment, including demographic data on the students enrolled
4 in courses, if available, financing, student use of financial aid,
5 funding, and course completion rates for the pilot program.

6 (ii) A determination of the extent to which the pilot program
7 complies with statutory requirements and the extent to which the
8 pilot program results in expanded access for students.

9 (iii) An assessment of the effect of the pilot program on the
10 availability of, and enrollment in, courses that receive state
11 apportionment funding, with particular attention to the demographic
12 makeup and financial aid status of students enrolled in those
13 courses.

14 (iv) Recommendations as to whether the pilot program should
15 be extended, expanded, or modified. In making recommendations,
16 the Legislative Analyst's Office shall consider alternative
17 approaches that might achieve the goal of expanded access without
18 increasing state funding.

19 (m) Courses offered by the extension program established and
20 maintained under this section may only be offered during summer
21 and winter intersessions.

22 (n) (1) No later than March 31, 2014, the Board of Governors
23 of the California Community Colleges shall adopt reporting
24 requirements for the pilot program that conform with the
25 requirements of Article 2 (commencing with Section 84030) of
26 Chapter 1 of Part 50, and the information reported shall be included
27 in the annual audit process.

28 (2) An eligible community college district that fails to comply
29 with the requirements established by the Board of Governors of
30 the California Community Colleges for the pilot program pursuant
31 to paragraph (1) or no longer meets the criteria set forth in
32 subdivision (d) shall be ineligible for participation in the pilot
33 program.

34 SEC. 2. Section 89708 of the Education Code is amended to
35 read:

36 89708. (a) Tuition fees adequate, in the long run, to meet the
37 cost of maintaining special sessions in the California State
38 University shall be required of, and collected from, students
39 enrolled in each special session under and pursuant to rules and
40 regulations prescribed by the trustees.

1 “Special

2 (b) “*Special sessions*,” as used in this division, means
3 self-supporting instructional programs conducted by the California
4 State University. The special sessions shall include, but not be
5 limited to, career enrichment and retraining programs. It is the
6 intent of the Legislature that those programs, currently offered on
7 a self-supporting basis by the California State University during
8 summer sessions, may be provided throughout the year, and shall
9 be known as special sessions. ~~The self-supporting special sessions~~
10 ~~shall not supplant regular course offerings available on a~~
11 ~~non-self-supporting basis during the regular academic year.~~

12 (c) *A course offering at a special session program at a campus*
13 *shall not supplant a regular course offering that receives state*
14 *funding.*

15 (d) *Officials of a campus shall not offer special session programs*
16 *at that campus at times or in locations that limit the number of*
17 *regular course offerings that receive state funding.*

18 (e) *The trustees shall annually certify compliance with this*
19 *section at a regular meeting of the board.*

20 (f) *For purposes of this section, “supplant” means to increase*
21 *the number of special session program course offerings and to*
22 *correspondingly decrease the number of regular course offerings*
23 *at a campus.*